M

Govt. Mill Dept

Memo. No 4 2316 MII 52-2

3/6/52

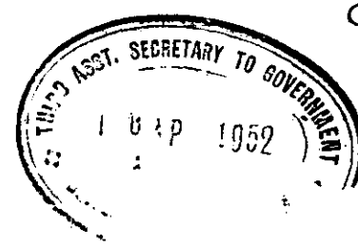
passed
W
Supdt

Textile - yarn - South Kanara
Dt - Sri Amruth Mittal Kamat -
Suspension of licence - appeal
Report

To

The Chief Secretary,
Government of Madras,
Fort St. George,
MADRAS

CS (appeal)
Dev appln no.



KPS 12.4.52

42316 12/4/52

From

Amruth Vittal Kamath,
Yarn Merchant,
L.N.No.6 Y.S.M.,
UDIPI, S.Kanara

Appellant

Ref: South Kanara Collector office Ref. T1/630750/51, d/15-3-52.

The above appellant begs to submit as follows:-

That the Collector of South Kanara was pleased to suspend the yarn licence of the appellant for a period of two months which was reduced to one month on a revision petition after a charge memo was given, on the ground that certain irregularities were noticed by the Textile Control Officer during an inspection of the shop on 9-11-1951. The appellant had submitted an explanation to the charges on 4-1-1952.

That in respect of the 1st charge, that he retained yarn in his shop for a number of days, and at the same time showed it in the cash transactions, it is submitted, that the yarn was retained as the persons actually billed were not able to pay the full amounts covered by the bill. The appellant had absolutely no intention of defying any rules. The Textile Control Officer was inspecting a neighbouring shop earlier, and if the appellant had any guilty mind, he could have easily secreted or removed the stock.

That it is incorrect to say that the appellant retained the card of Sri Marcel Louis of Udiavar, on 23-10-1951, yarn was suplied to the aforesaid Marcel Louis, and his signature obtained on bill No.149

That it is respectfully submitted that charges 3 and 4 are not sustainable. If Sri Ananda Kotianna had any grievance against the appellant, it was because credit facilities were denied to him. That it is a fact that he billed 4 knots of 2/40 yarn to Ananda Kotiana on 20-10-1951 and this quota has been taken by him (last item in the bill). The other billed items were not taken by him, as he was unable to pay cash.

That on 29-2-1952 he further filed a revision petition to the Collector and got a stay of the order.

That on 22-3-1952 he was served with another order dated 15-3-52 intimating that the period of suspension has been reduced to a period of one month only and the charge number 2 has been dropped.

That regarding the first charge of retaining the yarn in the shop because the party did not pay the full amount has been enquired into and the person concerned has given a statement saying that he did leave behind the yarn in the shop as he had not the full amount on the day of purchase.

That the punishment is too severe in view of the above facts and even uncalled for.

That he has been punished for no fault of his own.

That his firm is a longstanding firm with very good reputation and if the yarn is diverted even for a day he will loose the good name of the firm and that of himself.

That so far there is no remark against him or his firm.

That therefore he prays that your honour may be pleased to call for the records and after satisfying yourself set aside the order of suspension ordered by the Collector of South Kanara, Mangalore.

UDIPI, d/9-4-1952.

Amruth Kamath

Appellant.

Dev 923/52-1
13.4.52

42316

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Please
17/4/52

Rev (Cal II) Dept.

Endt No. 42316 M II/52-1 dated 17-4-52

Referred to the Collector of South Kanara for urgent remarks with the connected records, through the DCC

16/4/52 17/4/52 17/4/52

Copy for info to DD

— The Collector of South Kanara with copy of plans

Copy to the D.C.C

RD 18352

ER 205/52
NR 186/52

57075 MII/52

3

No.L.Dis.B.2.48838/52.

Office of the
Director of Controlled Commodities,
Mount Road, Madras: 19-5-52.

From

Sri V.V.Subramanian, I.C.S.,
Director of Controlled Commodities.

To

The Secretary to Government,
Development Department,
Fort St.George, Madras.

Sir,

Sub: TEXTILES - Yarn - South Kanara District - Sri Amruth Vittal Kamath - Suspension of licence - Appeal - Report.

Ref: Government Endt. No.42316/MII/52.1 dt. 17.4.52.
2.Letter No.T.1.1176/52 dt.7.5.52 from the Collector of South Kanara.

***

I enclose in original the letter second cited above from the Collector of South Kanara.

The dealer has been let off lightly. No interference is, therefore called for in this case.

The connected records of the Collector (1) No.D.Dis.30750/51 dated 26-4-1952 and (2) L.Dis.22977/51 dated 24-9-51 are enclosed.

for Director of Controlled Commodities.

Vs.20.5.52.

Ref Tl.11767-52.

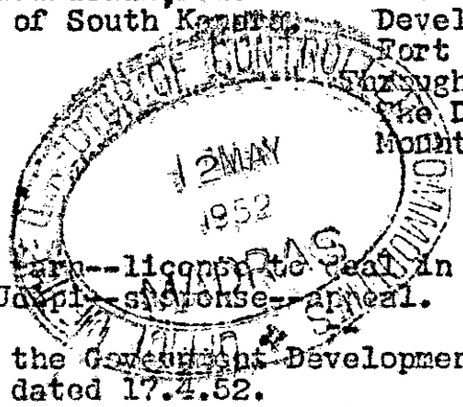
S.Kanara Collector's office,
Mangalore dated 7.5.52.

From

SRI A.R.RAJARATHNAM,B.A.
Collector of South Kanara.

To

The Secretary to Government
Development department,
Fort St. George Madras.
Through
The Director of controlled Commodit
Mount road, Madras.



Sir,

TEXTILES: Yarn--licence to deal in yarn granted to Sri Amrutha Vittal Kamath Udupi--Absense--appeal.

Ref: From the Government Development department endorsement No. 42316-UII/52-1 dated 17.4.52.

**

The appellant is a licensee under the yarn dealers control order 1948. The Textile Control Officer S.Kanara inspected his shop on 9.11.51 and found some excess stocks of yarn of different counts in seven packages aggregating to about 75 lbs in the shop. The dealer explained to the Textile control Officer that the yarn had been sold to different persons in different dates and that the purchasers were not given the stocks as they had not paid for the yarn either wholly or in part. There were cash memos kept with the yarn in five out of the seven cases. The Textile control Officer prepared a yadast in respect of these excess stocks found in the shop. On further enquiry through the Textile Inspector the alleged purchasers admitted the transactions and supported the dealer's version. One of them however said that his yarn ration card had been taken by the dealer on a previ occasion and was in the dealers shop and that the dealer has shown the sale of the yarn without his demanding it but anticipating his approva Another purchaser alleged that the dealer had refused to supply yarn quota piecemeal and had billed for some yarn without supplying the yar

2. Charges were framed against the appellant in this office Ref.Tl. 30750-51 dated 24.12.51 in respect of the irregularities noticed by the Textile control Officer at the time of inspection and the other irregularities brought to notice at the time of further enquiry. The dealer gave his explanation dated 4.1.52 in which he denied the charges 2 to 4. On perusing the papers of enquiry and the dealer's explanation I passed an order Ref.Tl.30750-51 dated 5.2.52 suspending the appellant's yarn license for a period of 2 months. The appellant filed a petition dated 21.2.52 for reconsideration. On hearing him I gave the benefit of doubt in respect of the second charge® of suspensio to one month in my Ref.Tl.30750-51 dated 15.3.52. This order was given effect to with effect from 8.4.52 and the period of suspension would expire on 8.5.52.

® and modified the order reducing the period

3.. No new grounds have now been stated in the appeal. I considered charge 1 as serious. Some of the items of yarn found in the shop on 9.11.51 were shown as sold as far back as 20.10.51. If the weavers or loom owners had not brought money with them and if the dealer was not prepared to sell the yarn to them on credit there was no need to show the yarn as sold to them. This practice of showing the yarn as sold lon before the receipt of value and keeping the stocks in the shop after showing them as sold in the accounts is, I consider highly objectionabl as it gives room for malpractices. The appellant's statement that till then he had no remarks against him is incorrect. In August 1951 he was found fault with for selling 60s yarn outside the ration to some loom owners of his choice without obtaining any orders or the instructions from the Yarn Advisory committee which was then functioning and he was warned by me in my Ref.Tl.22977-51 dated 30.8.51.

4. The connected records of this office D.Dis.30750-51 dated 26.4.52 and L.Dis.22977-51 dated 24.9.51 are enclosed.

Yours faithfully,

For Collector.

Enclosures 1.Collector's D.®is.30750-51 dated 26.4.52.
2. -do- L.Dis.22977-51 dated 24.9.51.

IC/8.5.52.

M II

7

C.F. 68. 12,71,311—6—

Development Department

REMINDER. Textiles (M II)

To The Collector of S. Kanara

I am directed to inquire [illegible]

SOUTH KANARA
COLLECTOR'S OFFICE
23 JUL 1952

No. 4 & 316 dated 17/4/52 and

to request that the reply to it may be expedited.

Request that this reminder may be returned at once with information as to

(1) the stage at which the matter now is,

(2) the date by which a reply may be expected, and

(3) the circumstances which have caused the delay.

Office Dev. Dept.

Station Ootacamund

Dated 20/5/52

for S. V. Krishnaswamy
Signature. 20/5/52

Designation. for Asst. Secy to Govt

SUBJECT: Textiles - Yarn - South Kanara Dt
Suspension of yarn licences - Appeal
from Amruk Vittal Kamath

P.T.O

S.F./T 11767-52 623/10

SECRET.

Secretary to Govt.
Development Department

Reference was submitted 30.5.52

My remarks on the appeal petition of Sri Amrith Lal Kamali (Seal) (Copy) through the Director of Controlled Commodities in my Rc T 11767/52 dated 4.5.52 despatched on 9.5.52

Yours faithfully,

for Collector

Collector Puttalam
Kalpalam

Dev (NII)
Report sent and the file submitted to Govt.
21.5.52

Please 66 4/6

Dev. Mtl Dept.

Memo. No. 42316 Mtl 52 - 2 dt 3/6/52

Sub Textiles - Yarn - Licensing - South Kanara district - Sri Amuktha Vittal Kamath, Yarn dealer, Udipi - Suspension of licence. Appeal to Govt Orders passed.

Ref Petition from Sri Amuktha Vittal Kamath dt 9/4/'52
from the Collector of South Kanara No Ref T. I. 11767/52 dt 7/5/1952.
from the D. C. C., No. L. Dis. B 2. 48838/52 dt 19/5/52

The Petition is rejected

Sri Amuktha Vittal Kamath
Yarn dealer,
Udipi. S. Kanara.

Copy to the Coll. of S. Kanara [with the petition & connected papers]
" The D. C. C.

25/6/'52 3/6/52

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Development(MII) Department

Sub: TEXTILES - Yarn - Licensing - South Kanara district - Sri Amurtha Vittal Kamath, Yarn dealer, Udipi - Suspension of licence - Appeal to Govt.

Ref: Petition from Sri Amurtha Vittal Kamath dated 9/4/1952.
From the Collr. of South Kanara, No.Ref.T.1.11767/52 d/7/5/1952.
From the D.C.C. No.L.Dis.B2.48838/52 dated 19/5/1952.

To A.S.

The petition at p.1 CF and the remarks of the Collector and the D.C.C. at pp.3-5 CF may be perused.

This is an appeal petition preferred by Sri Amurtha Vittal Kamath, Yarn Dealer, Udipi, against the orders of the Collector of South Kanara suspending the licence of the appellant for a period of one month.

The facts of the case are as follows:-

The Textile Control Officer, Mangalore, inspected the yarn shop of the appellant on 9/11/51 and found some excess stocks of yarn of different counts in seven packages aggregating to about 75 lbs in the shop. The dealer explained to the Textile Control Officer that the yarn had been sold to different persons on different dates and that the purchasers were not given the stocks as they had not paid for the yarn either wholly or in part. There were cash memos kept with the yarn in five out of the seven cases. The Textile Control Officer prepared a statement in respect of these excess stocks found in the shop. On further enquiry through the Textile Inspector, the alleged purchasers admitted the transactions and supported the dealer's version. One of them however said that his yarn ration card had been taken by the dealer on a previous occasion and was in the dealer's shop and that the dealer had shown the sale of the yarn without his demanding it but anticipating his approval. Another purchaser alleged that the dealer had refused to supply yarn quota piecemeal and had billed for some

yarn without supplying the yarn.

Charges were framed against the appellant in respect of the irregularities noticed by the Textile Control Officer at the time of inspection and the other irregularities brought to notice at the time of further enquiry by the Textile Inspector. The charges, the explanations of the dealer and the Collector's findings are examined below:-

p 39 of 9(K)

CHARGE 1. That the dealer after showing the sales of yarn to the 7 persons as cash transactions in his accounts retained the yarn in his shop for a number of days, which is irregular and should not have been done.

p 45 of ibid

The appellant had explained that the yarn which was kept separate from the other yarn was actually billed for in the names of the respective persons ~~and~~ He also stated that in order ~~that at their request and~~ to oblige the customers ~~that~~ he agreed ~~to their request to keep the yarn in the shop the yarn was retained by him~~, pending payment of the cost of yarn. He pleaded that he was not aware that such an action was an offence and that he had no ulterior motive in keeping the yarn in the shop. He further stated that he saw the T.C.O. inspecting a neighbouring shop about an hour before his visit to the shop and that ~~of~~ if he really had any malafide intention he could have removed such yarn from the shop about an hour before the T.C.Os inspection. He therefore begged to be ~~excused~~ excused for the offence which was committed innocently. The Collector considered that the action of the dealer in retaining yarn after it was sold, ~~is~~ was a serious irregularity.

— do —

A' mp 51 of 9(K)

&

pp 39-40 of 9(K)

CHARGE 2. That he retained the yarn ration card of Sri Marcel Lewis of Udyawara and without being demanded by the said Marcel Louis entered in his card the supply of yarn towards September 1951 quota. The retaining of ration cards of weavers and supplying yarn to them without their demanding it is highly irregular.

p 45 of ibid

The appellant stated in his explanation that he did not retain any ration card in his shop and that Marcel Lewis used to send his card through others and obtain his yarn.

B' mp 51 of ibid

The Collector considered that the unauthorised entry of supply of yarn to Marcel Lewis in his ~~ration~~

card when he did not demand the yarn by retaining the card in the ration shop was testified to by Mercel Lewis himself and that this was highly irregular.

CHARGE 3. That on 20/10/51 when Sri Ananda Kotianna of Uliyargolli village came to his shop for the purchase of yarn, the dealer refused to supply yarn piecemeal and insisted that the entire quota should be lifted in one transaction.

p.40 cl 6 (K)

CHARGE 4. That the dealer billed for 4 knots of 2/40s yarn in the name of Sri Ananda Kotianna of Uliyargolli village without supplying the yarn to Sri Ananda Kotianna.

The appellant denied the third charge and stated that the accusation against him must have been due to his refusal to sell yarn on credit to Ananda Kotianna who used to ask him always for yarn on credit

p45 cl .. (K)

As regards the fourth charge the appellant stated that the accusation was not correct, that he did not bill for any yarn that was not supplied, that the complainant being very old must have made a misstatement in his failing memory and that he (Sri Ananda Kotianna) had admitted having received the four knots of yarn referred to in the charge.

— do — " "

It is seen from the Collector's office file that the complainant weaver had stated in his subsequent petition that the previous statement before the Textile Inspector, that he had not received the double yarn, was erroneous. In view of the conflicting statements of the complainant, no.4 charge seems to have been dropped. No comments are found in the Collector's file regarding Charge 3 and it seems that this charge also was not pressed. The Collector has also stated that the dealer was warned on an earlier occasion for selling 60s yarn outside the ration to some weavers without obtaining the permission of the Collector. For these reasons he passed an order suspending the licence of the appellant for a period of two months.

'D' on p. 5 of 9 (K)

'D' on p. 5 of 9 (K)

p 5 of 9 (K)

p55 cl 'D'

E' on p5 of

The appellant subsequently filed a petition before the Collector for reconsideration. On hearing him the Collector gave the benefit of doubt in respect of the 2nd charge and modified his previous order to one of

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suspension of licence for a period of one month. The Collector's findings in this connection are extracted below:-

"As regards the charge that he retained the card of Sri Marcel Lewis it is represented that this is not correct. The only evidence to establish this is the statement of the card holder. The card was not found in the shop when the T.C.O. inspected it. The charge cannot be accepted as having been proved beyond doubt. The first charge however stands, and the explanation cannot be accepted. No businessman will show in his accounts any article as having been sold and yet keep it with him if it had been actully sold. It is an irregularity which is serious and which cannot be condoned. The penalty is however modified to one of suspension of licence for a period of one month."

The appellant has in his appeal petition stated that the punishment is severe that his firm is a long standing one, and that so far there has been no remark against him. He has therefore prayed that the suspension order passed by the Collector may be set aside.

In his remarks on the appeal petition the Collector says that no new grounds are stated in the appeal petition. He states that charge 1 is serious and that it is highly objectionable for a dealer to show the yarn as sold long before the receipt of value and keep the yarn in the shop after showing them as sold in the accounts and that such system of accounts gives scope for malpractices. He therefore seems to think that the appeal petition does not deserve consideration. The D.C.C. is of the view that the dealer has been let off lightly and that no interference is therefore called for in the case.

It may be pointed out that the Collector first suspended the licence of the appellant for two months and then modified his own order. It does not seem to be in order for the Collector to review his own order. Vide orders communicated to Collectors in Govt.Memo. No.5668 M I/50-2 dt/ 28.7.50. ~~But no objection need perhaps be taken by Govt. in the present case. For orders whether this irregularity will be pointed out to the Collector of South Kanara.~~ For orders.

As regards the appeal petition, it may be stated that of the 4 charges, charge 1, relating to keeping of yarn in the shop after it was sold away and after making necessary entries in the accounts books, is a serious irregularity. for which the Collector awarded punishment of suspension

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licence for one month. The period of suspension has already expired on 8/5/1952. As this punishment does not seem to be a severe one, having regard to the gravity of the charge, it is for orders whether the D.C.C's views that the dealer has been let off lightly and that no interference is called for with the Collector's orders in this case, will be accepted and the petition rejected.

The case may be circulated to H.M(I & L) for orders

29552 30/5/52

30552

H.M (I & L)

The D.C.'s view may be accepted and the petition may be rejected

S. Sulliman 31.5.52

Yr. Petition Rejected

M. Krishnaswamy 2/6/52 H.M. (I & L)

A draft memo is submitted below for approval.

3/6/52 3/6/52

3612

SECRETARY TO GOVERNMENT
3 JUN 1952
DEVELOPMENT DEPARTMENT

DEPUTY SECRETARY TO GOVERNMENT
3 JUN 1952
DEVELOPMENT DEPARTMENT